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DEPT. OF TRANSPORTATION  
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December 20, 2002

Documents Management System  
U.S. Department of Transportation  
Room PL 401  
400 Seventh Street, SW  
Washington D.C. 20590-0001

RE: RSPA-2002-13658 (HM-215E) Harmonization with the United Nations - 4  
Recommendations, International Maritime Dangerous Goods Code, and International  
Civil Aviation Organization's Technical Instructions

Dear Sir or Madam:

FedEx Express submits the following comments in response to the Notice of Proposed Rulemaking: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions Docket No. RSPA-2002-13658 (HM-215E). The proposed rule seeks to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

RSPA should consider reviewing the HMR class of ORM-D with the proper shipping name Consumer Commodity to align with the ICAO Technical Instructions. Many carriers, including FedEx Express and industry organizations have requested that RSPA further review this class of material because of the apparent problems associated with ORM-D's. This class of material under the HMR does not require any specification package marking, hazard or handling label, UN/ID identification number and only requires a shipper's declaration when offered for transportation by air. Even when the marking is offered in a label form it does not communicate by shape or color any hazard awareness. These type shipments are difficult at best for carrier personnel to recognize and hold for inspection and acceptance.

RSPA in the Federal Register on February 26, 2002 RSPA-02-11654 (HM-228) placed an advanced notice of proposed rulemaking regarding several changes in the regulations. One of those proposals is to align consumer commodities with the ICAO Technical Instructions. FedEx Express supports this change as among other advantages will add consistency to the regulations. If adopted, this will require consumer commodities to have a class 9 label instead of an ORM-D marking and a UN/ID number in association with the proper shipping name.

FedEx Express appreciates the opportunity to comment on this NPRM. If you have any questions concerning these comments, please contact me or David Littlejohn, Dangerous Goods Advisor, at (901) 434-9567.

Regards,

A handwritten signature in black ink, appearing to read "Pat Oppenheimer", with a long, sweeping horizontal stroke extending to the right.

Patrick N Oppenheimer  
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& Fire Prevention  
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